

Applicant : Hugh R. Sharkey et al.  
Serial No. : 09/895,609  
Filed : June 29, 2001  
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Attorney's Docket No.: 14170-051002 / 25-31-0067

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

Claims 1-40 (Cancelled)

41. (Currently Amended) A surgical instrument for treating tissue comprising an elongate probe member having (i) proximal and distal portions, the distal portion having a distal surface and first and second spaced-apart electrodes coupled to the distal surface and adapted to engage the tissue, and (ii) first and second electrical leads carried by the elongate probe member and extending to the distal portion, the first and second electrical leads being coupled respectively to the first and second electrodes for supplying electrical energy to the first and second electrodes, ~~the first electrode being an active electrode and the second electrode being a return electrode,~~

wherein the distal surface defines an aperture and the elongate probe member defines a lumen extending to the aperture, and each of the first and second electrodes has a portion extending across the aperture, the extending portions being substantially parallel, and the first and second electrical leads are each electrically insulated from fluid within the lumen.

42. (Previously Presented) The surgical instrument of claim 41 wherein at least one of the first and second electrodes has a portion spaced outwardly from the distal surface.

43. (Previously Presented) The surgical instrument of claim 42 wherein each of the first and second electrodes has a portion spaced outwardly from the distal surface.

44. (Previously Presented) The surgical instrument of claim 42 wherein the at least one of the first and second electrodes has the shape of a partial loop.

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45. (Previously Presented) The surgical instrument of claim 42 wherein the at least one of the first and second electrodes has the shape of a prong.

46. (Cancelled)

47. (Previously Presented) The surgical instrument of claim 41 wherein the portions of each of the first and second electrodes extending across the aperture are spaced outwardly from the distal surface.

48. (Previously Presented) The surgical instrument of claim 41 wherein the first and second electrodes extend parallel to each other.

49. (Previously Presented) The surgical instrument of claim 41 wherein the first and second electrodes extend in the same plane.

50. (Previously Presented) The surgical instrument of claim 41 wherein each of the first and second electrodes is cylindrical in shape.

Claims 51-59 (Cancelled)

60. (Currently Amended) An electrosurgical instrument comprising:  
an elongate probe member including a distal region, the elongate probe member defining a lumen and defining a lumen opening at the distal region that communicates with the lumen;  
first and second electrical leads extending along the elongate probe member to the distal region, ~~the first and second electrical leads being electrically insulated from fluid within the lumen;~~  
an active electrode coupled to the elongate probe member and to the first electrical lead, the active electrode ~~[[and]]~~ extending ~~at least partially~~ across the entire lumen opening; ~~[[and]]~~

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a return electrode spaced-apart from the active electrode, the return electrode coupled to the elongate probe member and to the second electrical lead and extending at least partially across the lumen opening, wherein the active and return electrodes define a planar energy treatment surface; and

a line in fluid communication with the lumen.

61. (Currently Amended) The instrument of claim 60 wherein~~[[:]]~~  
~~the active electrode extends across less than the entire lumen opening, and~~  
the return electrode extends across less than the entire lumen opening.

62. (Currently Amended) The instrument of claim 60 wherein~~[[:]]~~  
~~the active electrode extends across the entire lumen opening, and~~  
the return electrode extends across the entire lumen opening.

63. (Previously Presented) The instrument of claim 60 wherein one of the electrodes extends at least partially across the lumen opening at the lumen opening.

64. (Previously Presented) The instrument of claim 60 wherein one of the electrodes extends at least partially across the lumen opening proximal to the lumen opening.

65. (Previously Presented) The instrument of claim 60 wherein one of the electrodes extends at least partially across the lumen opening distal to the lumen opening.

66. (Cancelled)

67. (Previously Presented) The instrument of claim 60 wherein:  
the distal region includes a distal surface, and  
the active and return electrodes define an energy application surface that is parallel to a portion of the distal surface.

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68. (Previously Presented) The instrument of claim 60 wherein at least a portion of the active electrode is parallel to a portion of the return electrode.

69. (Previously Presented) The instrument of claim 68 wherein the parallel portions of the active electrode and the return electrode each extend at least partially across the lumen opening.

70. (Previously Presented) The instrument of claim 60 wherein one of the electrodes has a portion with a prong shape.

71. (Previously Presented) The instrument of claim 60 wherein one of the electrodes has a portion with a partial loop shape.

72. (Previously Presented) The instrument of claim 60 wherein one of the electrodes has a portion with a rounded surface suitable to perform a smoothing function on tissue.

73. (Previously Presented) The instrument of claim 60 wherein one of the electrodes has a portion with an edge suitable to perform a mechanical scraping operation and an electrosurgical operation.

74. (Currently Amended) The instrument of claim 60 wherein:  
the distal region includes a distal surface defining the lumen opening, and  
the active and return electrodes are each ~~coupled~~ connected to the distal surface.

75. (Currently Amended) The instrument of claim 60 wherein the ~~fluid-transmission~~ lumen comprises an aspiration lumen.

76. (Previously Presented) The instrument of claim 60 wherein:  
the lumen comprises an aspiration lumen,

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the active and return electrodes each extend across the lumen opening distal to the lumen opening,

the active and return electrodes are parallel to each other,

the distal region includes a distal surface, and

the active and return electrodes define an energy application surface that is parallel to a portion of the distal surface.

Claims 77-80 (Cancelled)

Claims 81-90 (Withdrawn)

91. (Previously Presented) The surgical instrument of claim 41 wherein the first and second electrodes protrude from the distal surface.

92. (Previously Presented) The surgical instrument of claim 41 wherein the aperture comprises an aspiration aperture.

93. (New) The surgical instrument of claim 41 further comprising a line in fluid communication with the lumen.

94. (New) The surgical instrument of claim 41 wherein the first and second electrodes define a planar energy treatment surface.

95. (New) The surgical instrument of claim 41 wherein the first electrode comprises an active electrode and the second electrode comprises a return electrode.

96. (New) The surgical instrument of claim 43 wherein each of the active and return electrodes has two ends that extend from the distal surface.

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97. (New) The instrument of claim 60 wherein a portion of the active electrode extending across the lumen opening is substantially parallel to a portion of the return electrode extending across the lumen opening.

98. (New) The instrument of claim 96 wherein all exposed portions of the active electrode are disposed in a first plane, all exposed portions of the return electrode are disposed in a second plane, and the second plane is substantially parallel to the first plane.

99. (New) The instrument of claim 60 wherein the active electrode includes an unexposed portion.

100. (New) The surgical instrument of claim 60 wherein the elongate probe member includes a distal surface that defines the lumen opening, and the active and return electrodes protrude from the distal surface.

101. (New) The instrument of claim 62 wherein each of the active and return electrodes has two ends that extend from the distal region of the elongate probe member.

102. (New) The instrument of claim 60 wherein all exposed portions of the active electrode are disposed distally of the lumen opening.

103. (New) The instrument of claim 60 wherein the first and second electrical leads are electrically insulated from fluid within the lumen.